

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

NORTHWEST ADMINISTRATORS, INC.,

Plaintiff,

v.

CY EXPO LLC,

Defendant,

v.

J.P. MORGAN CHASE BANK NA,

Garnishee-Defendant.

CASE NO. 2:23-mc-00051-LK

ORDER DENYING APPLICATION
FOR WRIT OF GARNISHMENT

This matter comes before the Court on Plaintiff Northwest Administrators' Application for Writ of Garnishment. Dkt. No. 1. The Writ of Garnishment attached to Northwest Administrators' application commands the Garnishee-Defendant to "answer this Writ by filling in the attached form," Dkt. No. 1-2 at 2, but no form is attached.

In addition, Northwest Administrators' proposed Writ of Garnishment fails to substantially comply with the form set forth in Section 6.27.100(1) of the Revised Code of Washington. The

1 statute directs that, among other requirements, the writ of garnishment must include the following
2 language (in all capitals):

3 IF YOU FAIL TO ANSWER THIS WRIT AS COMMANDED, A JUDGMENT
4 MAY BE ENTERED AGAINST YOU FOR THE FULL AMOUNT OF THE
5 PLAINTIFF'S CLAIM AGAINST THE DEFENDANT WITH ACCRUING
6 INTEREST, ATTORNEY FEES, AND COSTS WHETHER OR NOT YOU OWE
7 ANYTHING TO THE DEFENDANT. IF YOU PROPERLY ANSWER THIS
8 WRIT, ANY JUDGMENT AGAINST YOU WILL NOT EXCEED THE
9 AMOUNT OF ANY NONEXEMPT DEBT OR THE VALUE OF ANY
10 NONEXEMPT PROPERTY OR EFFECTS IN YOUR POSSESSION OR
11 CONTROL.

12 JUDGMENT MAY ALSO BE ENTERED AGAINST THE DEFENDANT FOR
13 COSTS AND FEES INCURRED BY THE PLAINTIFF.

14 Wash. Rev. Code § 6.27.100(1). Plaintiff's writ instead contains the following admonition:

15 YOUR FAILURE TO ANSWER THIS WRIT AS COMMANDED WILL
16 RESULT IN A JUDGMENT BEING ENTERED AGAINST YOU FOR THE
17 FULL AMOUNT OF THE PLAINTIFFS' CLAIM AGAINST THE
18 DEFENDANT, WITH ACCRUING INTEREST AND COSTS WHETHER OR
19 NOT YOU OWE ANYTHING TO THE DEFENDANT.

20 Dkt. No. 1-2 at 3. This does not substantially comply with the statutory language.

21 These may not be the only shortcomings in the Application, but the Court need not scour
22 the record further. The Application is DENIED without prejudice. The Court reminds Northwest
23 Administrators that "[g]arnishment is a statutory remedy that requires strict adherence to the
24 procedures expressly authorized by statute." *Watkins v. Peterson Enters., Inc.*, 973 P.2d 1037,
1043 (Wash. 1999).

25 This is not the only matter in which Northwest Administrators' avoidable mistakes have
26 cost the Court and its staff time and resources. *See, e.g., Nw. Administrators Inc. v. KCD Trucking*
27 *Inc.*, Case No. 2:22-mc-00098-LK, Dkt. Nos. 11–12 (W.D. Wash.) (Order to Show Cause and
28 Response regarding Northwest Administrators' misrepresentation of the judgment amount to the
29 garnishee-defendant); *Nw. Administrators Inc. v. KDC Trucking Inc.*, Case No. 2:23-mc-00006-

1 LK, Dkt. Nos. 2, 4, 6 (W.D. Wash.) (Orders denying requested writs based on multiple errors).
2 Most troubling, the Court previously alerted Northwest Administrators to the same failure to use
3 the required statutory language in a prior Order in another case, yet Northwest Administrators
4 continues to use the same deficient proposed Writ. *See KCD Trucking*, Case No. 23-mc-00006-
5 LK, Dkt. No. 6 at 2 (warning that “[t]he Court’s patience [with counsel’s inattentiveness] has now
6 run out”). Counsel’s inattentiveness has previously resulted in sanctions. *KCD Trucking*, Case No.
7 22-mc-00098-LK, Dkt. No. 14. Because Northwest Administrators has ignored the Court’s
8 warnings and prior Orders and as a result has unnecessarily multiplied the proceedings before the
9 Court, the Court sanctions Northwest Administrators’ counsel, Reid McCarthy Ballew & Leahy
10 LLP, in the amount of \$100 to be paid within ten days of the date of this Order. LCR 11(c). The
11 Court will also impose sanctions in the future if Northwest Administrators continues to needlessly
12 multiply proceedings before it.

13 Northwest Administrators may file an amended application by August 1, 2023. If the Court
14 does not receive an amended application by that date, it will direct the Clerk to close this matter.

15 Counsel for Northwest Administrators shall provide a copy of this Order to his client.
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17 Dated this 6th day of July, 2023.

18 

19 Lauren King
20 United States District Judge
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